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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2010-562**

11 **AILYNE BULOSAN RIVERA**
12 **1516 W. Torrance Blvd. #A**
Torrance, CA 90501
13 **Registered Nurse License No. 748056**

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about March 25, 2009, the Board of Registered Nursing issued Registered
22 Nurse License Number 748056 to Ailyne Bulosan Rivera (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on October 31, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license.

8 6. Section 2761 of the Code states:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an
10 application for a certificate or license for any of the following:

11 "(a) Unprofessional conduct,...

12 ...

13 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
14 functions, and duties of a registered nurse, in which event the record of the conviction shall be
15 conclusive evidence thereof."

16 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
17 revoke a license on the ground that the licensee has been convicted of a crime substantially
18 related to the qualifications, functions, or duties of the business or profession for which the
19 license was issued.

20 8. California Code of Regulations, title 16, section 1444, states:

21 "A conviction or act shall be considered to be substantially related to the qualifications,
22 functions or duties of a registered nurse if to a substantial degree it evidences the present or
23 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
24 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

25 ...

26 "(c) Theft, dishonesty, fraud, or deceit."

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1 9. Section 118, subdivision (b), of the Code provides that the
2 suspension/expiration/surrender/cancellation of a license shall not deprive the
3 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 10. Section 125.3 of the Code provides, in pertinent part, that the
6 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
7 have committed a violation or violations of the licensing act to pay a sum not to exceed the
8 reasonable costs of the investigation and enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Conviction of Substantially Related Crime)

11 11. Respondent is subject to disciplinary action under sections 490 and 2761(f), as
12 defined in California Code of Regulations, title 16, section 1444, in that on or about December 4,
13 2009, Respondent was convicted of a crime which is substantially related to the qualifications,
14 functions or duties of a registered nurse. The Circumstances are as follows:

15 a. On or about December 4, 2009, in a criminal proceeding entitled *The People of the*
16 *State of California vs. Ailyne Rivera* in Los Angeles County Superior Court, Case No.
17 YA076110, Respondent was convicted of violating Penal Code 487(a) (grand theft), a
18 misdemeanor, based on her plea of nolo contendere.

19 b. The circumstances of the conviction are that between April 1, 2008 to April 3, 2009,
20 Respondent unlawfully took money from her employer, Mitsuwa Marketplace.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Unprofessional Conduct)

23 12. Respondent is subject to disciplinary action under section 2761, (a), in that between
24 April 1, 2008 to April 3, 2009, Respondent committed acts of unprofessional conduct, as more
25 fully described above in paragraph 11, above.

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3. Taking such other and further action as deemed necessary and proper.

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